UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,031	02/03/2004	Hank Risan	MOMI-018	3883

70407   7590   12/23/2008
MEDIA RIGHTS TECHNOLOGIES C/O WAGNER BLECHER LLP
123 WESTRIDGE DRIVE
WATSONVILLE, CA 95076

EXAMINER
KIM, JUNG W

ART UNIT	PAPER NUMBER
2432	

MAIL DATE	DELIVERY MODE
12/23/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/772,031	RISAN ET AL.
	Examiner	Art Unit	
	JUNG KIM	2432	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 October 2008*.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-31* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-31* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
       1.☐ Certified copies of the priority documents have been received.
       2.☐ Certified copies of the priority documents have been received in Application No. _____.
       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

1.   Claims 1-31 are pending.

2.   This Office action is in response to the RCE filed on 10/3/08.

Continued Examination Under 37 CFR 1.114

3.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/3/08

has been entered.

Response to Arguments

4.   Applicant's arguments with respect to the 112/2nd paragraph rejection for the use

of the trademark "Macintosh" has been fully considered but they are not persuasive.

Applicant points to the language in 608.01(v) I as evidence that the use of "Macintosh"

operating system in the claims is proper. However, applicant omits an essential

statement from 608.01(v) I, which states:

> a.   The relationship between a trademark and the product it
> identifies is sometimes indefinite, uncertain, and arbitrary. The formula
> or characteristics of the product may change from time to time and yet it
> may continue to be sold under the same trademark. In patent
> specifications, every element or ingredient of the product should be set
> forth in positive, exact, intelligible language, so that there will be no

uncertainty as to what is meant. <u>Arbitrary trademarks which are liable to mean different things at the pleasure of manufacturers do not constitute such language.</u> Ex Parte Kattwinkle, 12 USPQ 11 (Bd.App. 1931) [Emphasis added].

5.   Because, Macintosh Operating Systems mean different things at the pleasure of Apple, Inc. (e.g. Mac Classic, Mac OS X, etc.), it is <u>not</u> an element set forth in positive, exact, intelligible language, so that there will be no uncertainty as to what is meant. For these reasons, the 112/2nd paragraph rejections are sustained.

6.   Applicant's arguments with respect to the prior art rejections have been considered but are moot in view of the new ground(s) of rejection.

1.105 Request for Information

7.   With respect to applicants arguments against the prior art rejection of claim 8, Applicant makes a positive statement that the "bad boy list" limitation of claim 8 is defined in the Specification as "software that a user would purposely download, activate and utilize for purpose of circumventing digital rights." Remarks, pg. 15. Applicant's intent that certain language in the specification defines a "bad boy list" as "software that a user would purposely download, activate and utilize for purpose of circumventing digital rights" is noted. However, it is not clear, what language in the Specification defines the "bad boy list" as such. It is requested that Applicant in the next communication identify by page number and column lines the portion of the Specification that defines such a list.

Claim Rejections - 35 USC § 112

8.   As per claims 1-31, the presence of the trademark "Macintosh" is not proper

under 35 U.S.C. 112, second paragraph (see MPEP 2173.05(u)).

7.   The trademark "Macintosh" is used in the claim as a limitation to identify or

describe a particular material or product (Macintosh operating system); hence the claim

does not comply with the requirements of the 35 U.S.C. 112, second paragraph. Ex

parte Simpson, 218 USPQ 1020 (Bd. App. 1982).

Claim Rejections - 35 USC § 101

9.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
> matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
> conditions and requirements of this title.

Claims 23-31 are rejected under 35 U.S.C. 101 because the claimed invention is

directed to non-statutory subject matter. Claims 23-31 are directed to a system defined

by means+function language. The Specification provides intrinsic evidence that the

system can comprise only software. See pg. 60, line 17; pg. 119, line 21. Software is

descriptive material per se and is not statutory because computer programs claimed as

computer listings per se, i.e., the descriptions or expressions of the programs, are not

physical "things." They are neither computer components nor statutory processes, as

they are not "acts" being performed. Such claimed computer programs do not define

any structural and functional interrelationships between the computer program and any

elements of a computer which permit the computer program's functionality to be

realized.

Claim Rejections - 35 USC § 103

10.   Claims 1-3 and 6, 7 and 9-11 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Doherty et al. US 6920567 (hereinafter Doherty).

11.   As per claims 1-3, 6-7 and 9-11, Doherty discloses a method for preventing

unauthorized recording of media content on an operating system comprising:

b.   registering a compliance mechanism on a client system having said

operating system operating thereon, said compliance mechanism providing stand

alone functionality and operation on said client system (col. 10:24-11:20; 14:44-

59; 15:55-20:29, LicMech implemented as Executable DCF or Data DCF), said

compliance mechanism comprising: a framework for validating said compliance

mechanism on said client system (11:20-35, eLicense is System Locked; 13:59-

14:16, "License checks"; 24:37-26:4, "Adaptive Fingerprint Security Mechanism");

and a multimedia component opened by said framework, said multimedia

component for decrypting said media content on said client system; (10:37-38;

17:18-23 and lines 55-62; 19:55-20:3) and preventing decryption of said media

content on said client system having said operating system operating thereon if a

portion of said compliance mechanism is invalidated (14:1-6; 19:62-20:3,

intercepts file I/O call by monitoring utility);

c.   a valid kernel level extension providing kernel level driver information to

said framework; wherein when an invalid kernel level extension is recognized

said framework directs said valid kernel level extension to selectively restrict

output of said media content; wherein said valid kernel level extension matches

no physical device on the client system (19:55-67);

d.   wherein said framework accesses a network to ensure that said

components of the compliance mechanism are up to date (13:7-15, "DeLMM");

e.   wherein the framework establishes a monitoring thread which maintains a

constant search for output devices. (11:21-36 and lines 46-54; 24:37-26:4,

Adaptive Fingerprint)

f.   wherein said multimedia component is a media rendering or processing

application (14:60-15:11);

g.   wherein said media content is received from a source coupled with said

client system, said source is from the group consisting of: a network, a personal

communication device, a satellite radio feed, a cable television radio input, a set-

top box, an media device, a media storage device, a media storage device

inserted in a media device player, a media player application, and a media

recorder application (12:35-60, "Distributor System");

h.   altering said compliance mechanism in response to a change in a usage

restriction, said usage restriction comprising a copyright restriction or licensing

agreement applicable to said media content. (13:10-15; 14:13-23)

Although Doherty does not expressly disclose the type of operating system, it would be obvious to one of ordinary skill in the art for the operating system of Doherty to be one of the Macintosh operating systems available at the time of invention because of the ubiquity of Mac operating systems at the time the invention was made. At the time of invention, Windows operating systems, Mac operating systems and Linux operating systems were the predominate types of Operating systems. Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made for the operating system in Doherty to be any one of the Macintosh operating systems available at the time of invention. The aforementioned cover the limitations of claims 1-3, 6-7 and 9-11.

12.   Claims 4, 5, 8 and 12-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doherty in view of Schreiber et al. US 6,298,446.

13.   As per claims 4, 5 and 8, the rejection of claims 1-3 and 5-11 under 35 USC 103(a) as being anticipated by Doherty is incorporated herein. In addition, Doherty discloses wherein said framework will prevent audio playback from the multimedia component until said components of the compliance mechanism are validated (14:1-6, message information user does not have a valid license, and the steps necessary to acquire a valid license). Doherty does not disclose wherein said kernel level extension comprises: recognizing a kernel level recorder capturing an audio stream; and informing said framework of said kernel level recorder; wherein said framework will disable audio

playback from the multimedia component until said components of the compliance

mechanism are validated; said compliance mechanism further comprises a bad boy list.

Schreiber discloses a system for copyright protection of digital files, including audio

files, on an operating system, whereby several techniques are disclosed to block

capture of the digital file. (7:66-8:22; 18:19-24; 32:64-67) Schreiber further discloses

means for recognizing capture applications and extensions to determine if an

application is about to invoke a capture. (31:12-44; 32:1-58) Moreover, Schreiber

discloses compiling a list of capture applications to prevent capture of the digital files.

(31:30-47) Such a feature prevents capture of the digital content by an external

application. Schreiber, col. 2:53-67; 3:15-17. It would be obvious to one of ordinary

skill in the art at the time the invention was made wherein said kernel level extension

comprises: recognizing a kernel level recorder capturing an audio stream; and informing

said framework of said kernel level recorder; wherein said framework will disable audio

playback from the multimedia component until said components of the compliance

mechanism are validated; said compliance mechanism further comprises a bad boy list.

One would be motivated to do so to prevent capture of the digital content by an external

application when the compliance mechanism is not validated as known to one of

ordinary skill in the art. The aforementioned cover the limitations of claims 4, 5 and 8.

14.   As per claims 12-22, Doherty discloses a computer readable medium for storing

computer implementable instructions, said instructions for causing a client system to

perform a method for preventing unauthorized recording of media content on an

operating system comprising: registering a compliance mechanism on a client system

having said operating system operating thereon, said compliance mechanism providing

stand alone functionality and operation on said client system (col. 10:24-11:20; 14:44-

59; 15:55-20:29, LicMech implemented as Executable DCF or Data DCF), said

compliance mechanism comprising:

> i.   a framework for validating components of said compliance mechanism on
>
> said client system (11:20-35, eLicense is System Locked; 13:59-14:16, "License
>
> checks"; 24:37-26:4, "Adaptive Fingerprint Security Mechanism"); a multimedia
>
> component opened by said framework, said multimedia component for
>
> preventing decryption of media content on said client system if said framework
>
> detects an invalid environment (10:37-38; 17:18-23 and lines 55-62; 19:55-20:3);
>
> and a kernel level extension providing kernel level driver information to said
>
> framework (19:55-67; 23:8-67); preventing output of said media content on said
>
> client system having said operating system operating thereon if a portion of said
>
> compliance mechanism is invalidated; (14:1-6; 19:62-20:3, intercepts file I/O call
>
> by monitoring utility)
>
> j.   wherein said instructions cause said client system to perform said method
>
> further comprising: authorizing said client system to receive said media content;
>
> (13:66-67)
>
> k.   wherein said kernel level extension matches no physical device (19:55-
>
> 67);

l.   wherein said framework will prevent audio playback from the multimedia

component until said components of the compliance mechanism are validated;

(14:1-6, message information user does not have a valid license, and the steps

necessary to acquire a valid license)

m.   wherein said framework accesses a network to ensure that said

components of the compliance mechanism are up to date; (13:7-15, "DeLMM")

n.   wherein said framework establishes a monitoring thread which maintains a

constant search for output devices; (11:21-36 and lines 46-54; 24:37-26:4,

Adaptive Fingerprint)

o.   wherein said multimedia component is a media rendering or processing

application; (14:60-15:11)

p.   wherein said client system performs said method further comprising:

accessing an indicator corresponding to said media content for indicating to said

compliance mechanism a usage restriction applicable to said media content;

(10:25-38)

q.   wherein said client system performs said method further comprising:

altering said compliance mechanism in response to changes in said usage

restriction, said usage restriction a copyright restriction or licensing agreement

applicable to said media content; (13:10-15; 14:13-23)

r.   wherein said media content is from a source coupled with said client

system, wherein said source is from the group consisting of: a network, a

personal communication device, a satellite radio feed, a cable television radio

input, a set-top box, an media device, a media storage device, a media storage

device inserted in a media device player, a media player application, and a

media recorder application. (12:35-60, "Distributor System")

Although Doherty does not expressly disclose the type of operating system, it would be

obvious to one of ordinary skill in the art for the operating system of Doherty to be one

of the Macintosh operating systems available at the time of invention because of the

ubiquity of Mac operating systems at the time the invention was made. At the time of

invention, Windows operating systems, Mac operating systems and Linux operating

systems were the predominate types of Operating systems. Therefore, it would be

obvious to one of ordinary skill in the art at the time the invention was made for the

operating system in Doherty to be any one of the Macintosh operating systems

available at the time of invention.

Finally, Doherty does not disclose disabling output of said media content on said

client system if a portion of said compliance mechanism is invalidated, wherein said

kernel level extension comprises: recognizing a kernel level recorder capturing an audio

stream; and informing said framework of said kernel level recorder; wherein the

framework will disable audio playback from the multimedia component until said

components of the compliance mechanism are validated. Schreiber discloses a system

for copyright protection of digital files, including audio files, on a Macintosh operating

system, whereby several techniques are disclosed to block capture of the digital file.

(7:66-8:22; 18:19-24; 32:64-67) Schreiber further discloses means for recognizing

capture applications and extensions to determine if an application is about to invoke a

capture. (31:12-44; 32:1-58) Moreover, Schreiber discloses compiling a list of capture applications to prevent capture of the digital files. (31:30-47) Such a feature prevents capture of the digital content by an external application. Schreiber, col. 2:53-67; 3:15-17. It would be obvious to one of ordinary skill in the art at the time the invention was made to disable output of said media content on said client system if a portion of said compliance mechanism is invalidated, wherein said kernel level extension comprises: recognizing a kernel level recorder capturing an audio stream; and informing said framework of said kernel level recorder; wherein the framework will disable audio playback from the multimedia component until said components of the compliance mechanism are validated. One would be motivated to do so to prevent capture of the digital content by an external application when the compliance mechanism is not validated as known to one of ordinary skill in the art. The aforementioned cover the limitations of claims 12-22.

15.   As per claims 23-31, Doherty discloses a system for preventing unauthorized recording of media content on an operating system comprising: means for registering a compliance mechanism on a client system having said operating system operating thereon, said compliance mechanism providing stand alone functionality and operation on said client system (col. 10:24-11:20; 14:44-59; 15:55-20:29, LicMech implemented as Executable DCF or Data DCF), said compliance mechanism comprising:

      s.   means for validating components of said compliance mechanism on said client system 11:20-35, eLicense is System Locked; 13:59-14:16, "License

checks"; 24:37-26:4, "Adaptive Fingerprint Security Mechanism"; means for

preventing decryption of media content on said client system if said framework

detects an invalid environment; (14:1-6; 19:62-20:3, intercepts file I/O call by

monitoring utility) and means for providing kernel level extension information to

said framework; and means for preventing output of said media content on said

client system having said operating system operating thereon if a portion of said

compliance mechanism is invalidated; (14:1-6; 19:62-20:3, intercepts file I/O call

by monitoring utility)

t.   means for authorizing said client system to receive said media content;

(13:66-67)

u.   wherein the framework further comprises:

     i.   means for preventing audio playback from the multimedia

component until said components of the compliance mechanism are

validated; (14:1-6; 19:62-20:3, intercepts file I/O call by monitoring utility)

     ii.   means for accessing a network to ensure that said components of

the compliance mechanism are up to date; (13:7-15, "DeLMM")

     iii.   means for maintaining a constant search for output devices; (11:21-

36 and lines 46-54; 24:37-26:4, Adaptive Fingerprint)

v.   means for accessing an indicator for indicating to said compliance

mechanism said usage restriction applicable to said media content, said indicator

attached to said media content; (10:25-38)

w.   means for altering said compliance mechanism in response to changes in

said usage restriction, said usage restriction a copyright restriction or licensing

agreement applicable to said media content; (13:10-15; 14:13-23)

x.   wherein said media content is from a source coupled with said client

system, wherein said source is from the group consisting of: a network, a

personal communication device, a satellite radio feed, a cable television radio

input, a set-top box, an media device, a media storage device, a media storage

device inserted in a media device player, a media player application, and a

media recorder application. (12:35-60, "Distributor System")

Although Doherty does not expressly disclose the type of operating system, it would be

obvious to one of ordinary skill in the art for the operating system of Doherty to be one

of the Macintosh operating systems available at the time of invention because of the

ubiquity of Mac operating systems at the time the invention was made. At the time of

invention, Windows operating systems, Mac operating systems and Linux operating

systems were the predominate types of Operating systems. Therefore, it would be

obvious to one of ordinary skill in the art at the time the invention was made for the

operating system in Doherty to be any one of the Macintosh operating systems

available at the time of invention.

Finally, Doherty does not disclose means for disabling output of said media

content on said client system if a portion of said compliance mechanism is invalidated,

wherein said kernel level extension comprises: recognizing a kernel level recorder

capturing an audio stream; and informing said framework of said kernel level recorder;

means for disabling audio playback from the multimedia component until said components of the compliance mechanism are validated. Schreiber discloses a system for copyright protection of digital files, including audio files, on a Macintosh operating system, whereby several techniques are disclosed to block capture of the digital file. (7:66-8:22; 18:19-24; 32:64-67) Schreiber further discloses means for recognizing capture applications and extensions to determine if an application is about to invoke a capture. (31:12-44; 32:1-58) Moreover, Schreiber discloses compiling a list of capture applications to prevent capture of the digital files. (31:30-47) Such a feature prevents capture of the digital content by an external application. Schreiber, col. 2:53-67; 3:15-17. It would be obvious to one of ordinary skill in the art at the time the invention was made to incorporate means for disable output of said media content on said client system if a portion of said compliance mechanism is invalidated, wherein said kernel level extension comprises: recognizing a kernel level recorder capturing an audio stream; and informing said framework of said kernel level recorder; means for disabling audio playback from the multimedia component until said components of the compliance mechanism are validated. One would be motivated to do so to prevent capture of the digital content by an external application when the compliance mechanism is not validated as known to one of ordinary skill in the art. The aforementioned cover the limitations of claims 23-31.

16.   Claims 1-7 and 9-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doherty in view of Pastorelli US 20040133801 (hereinafter Pastorelli).

17.   As per claims 23-31, Doherty discloses a system for preventing unauthorized

recording of media content on an operating system comprising: means for registering a

compliance mechanism on a client system having said operating system operating

thereon, said compliance mechanism providing stand alone functionality and operation

on said client system (col. 10:24-11:20; 14:44-59; 15:55-20:29, LicMech implemented

as Executable DCF or Data DCF), said compliance mechanism comprising:

        y.   means for validating components of said compliance mechanism on said

        client system 11:20-35, eLicense is System Locked; 13:59-14:16, "License

        checks"; 24:37-26:4, "Adaptive Fingerprint Security Mechanism"; means for

        preventing decryption of media content on said client system if said framework

        detects an invalid environment; (14:1-6; 19:62-20:3, intercepts file I/O call by

        monitoring utility) and means for providing kernel level extension information to

        said framework; and means for preventing output of said media content on said

        client system having said operating system operating thereon if a portion of said

        compliance mechanism is invalidated; (14:1-6; 19:62-20:3, intercepts file I/O call

        by monitoring utility)

        z.   means for authorizing said client system to receive said media content;

        (13:66-67)

        aa.   wherein the framework further comprises:

    iv. means for preventing audio playback from the multimedia

component until said components of the compliance mechanism are

validated; (14:1-6; 19:62-20:3, intercepts file I/O call by monitoring utility)

    v. means for accessing a network to ensure that said components of

the compliance mechanism are up to date; (13:7-15, "DeLMM")

    vi. means for maintaining a constant search for output devices; (11:21-

36 and lines 46-54; 24:37-26:4, Adaptive Fingerprint)

bb. means for accessing an indicator for indicating to said compliance

mechanism said usage restriction applicable to said media content, said indicator

attached to said media content; (10:25-38)

cc. means for altering said compliance mechanism in response to changes in

said usage restriction, said usage restriction a copyright restriction or licensing

agreement applicable to said media content; (13:10-15; 14:13-23)

dd. wherein said media content is from a source coupled with said client

system, wherein said source is from the group consisting of: a network, a

personal communication device, a satellite radio feed, a cable television radio

input, a set-top box, an media device, a media storage device, a media storage

device inserted in a media device player, a media player application, and a

media recorder application. (12:35-60, "Distributor System")

Although Doherty does not expressly disclose the type of operating system, it would be

obvious to one of ordinary skill in the art for the operating system of Doherty to be one

of the Macintosh operating systems available at the time of invention because of the

ubiquity of Mac operating systems at the time the invention was made. At the time of

invention, Windows operating systems, Mac operating systems and Linux operating

systems were the predominate types of Operating systems. Therefore, it would be

obvious to one of ordinary skill in the art at the time the invention was made for the

operating system in Doherty to be any one of the Macintosh operating systems

available at the time of invention.

Finally, Doherty does not disclose means for disabling output of said media

content on said client system if a portion of said compliance mechanism is invalidated,

wherein said kernel level extension comprises: recognizing a kernel level recorder

capturing an audio stream; and informing said framework of said kernel level recorder;

means for disabling audio playback from the multimedia component until said

components of the compliance mechanism are validated. Pastorelli discloses a system

for controlling use of digitally encoded products, including a compliance mechanism,

wherein the compliance mechanism provides stand alone functionality and operation on

a client system (paragraph 58), whereby an agent detects any new process to request a

program; the agent verifies whether execution of the program would comply with

authorized conditions of use, including whether the execution environment meets the

authorized one, and if it does not, then disabling the start of the process. (Paragraphs

32-37) Pastorelli discloses that one advantage of this system is that it enables

controlled usage of a variety of products. Paragraphs 7 and 8. It would be obvious to

one of ordinary skill in the art at the time the invention was made to incorporate means

for disable output of said media content on said client system if a portion of said

compliance mechanism is invalidated, wherein said kernel level extension comprises:

recognizing a kernel level recorder capturing an audio stream; and informing said

framework of said kernel level recorder; means for disabling audio playback from the

multimedia component until said components of the compliance mechanism are

validated. One would be motivated to do so to enable controlled usage of a variety of

products as known to one of ordinary skill in the art. The aforementioned cover the

limitations of claims 23-31.

18.   As per claims 1-7 and 9-11, they are claims corresponding to claims 23-31, and

they do not teach or define above the information claimed in claims 23-31. Therefore,

claims 1-7 and 9-11 are rejected as being unpatentable over Doherty in view of

Pastorelli for the same reasons set forth in the rejections of claims 23-31.

19.   As per claims 12-22, they are claims corresponding to claims 23-31, and they do

not teach or define above the information claimed in claims 23-31. Therefore, claims

12-22 are rejected as being unpatentable over Doherty in view of Pastorelli for the same

reasons set forth in the rejections of claims 23-31.

Communications Inquiry

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Jung W. Kim whose telephone number is 571-272-3804.

The examiner can normally be reached on M-F 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Jung Kim/
Primary Examiner, AU 2432